IN THE CLAIMS:

Please amend Claims 34-42, as indicated below. The following is a complete listing of claims and replaces all prior versions and listings of claims in the present application:

1. - 33. (canceled):

34. (currently amended): A communication apparatus including a facsimile communication unit adapted to perform facsimile communication using a facsimile protocol ~~on a line switching network and an Internet Protocol (IP) communication unit, transmit communication data to a communication partner station discriminated by a telephone number, and receive communication data from the communication partner station~~, the apparatus comprising:

a central processing unit;

a memory unit coupled to the central processing unit;

a Voice over Internet Protocol (VoIP) connection unit adapted to establish a VoIP channel using a VoIP protocol through an Internet Protocol (IP) network;

an IP communication unit adapted to communicate image data to a communication partner station using a predetermined file transmission protocol through the IP network;

an IP address obtaining unit adapted to obtain an IP address of the communication partner station from a Session Initiation Protocol (SIP) proxy server, based on a telephone number of the communication partner station;

~~a control unit adapted to establish a Voice over IP (VoIP) communication channel on an IP network according to the IP address of the communication partner station obtained by the IP address obtaining unit, and to transmit an image transmission request message prior to transmission of image data; and~~

a determination unit adapted to determine~~, based on contents of an image transmission permission message received from the communication partner station in response to the image transmission request message,~~ whether ~~transmission and reception of~~ a data communication ~~data can be performed on the IP network using~~ a through the IP network uses the predetermined file transmission protocol; and

a control unit adapted to select the facsimile communication unit or the IP communication unit, in accordance with a determination by the determination unit,

wherein, if the determination unit determines that ~~transmission of~~ the data communication ~~data on~~ through the IP network ~~based on~~ uses the predetermined file transmission protocol ~~can be performed~~, the control unit selects the IP communication unit ~~starts transmission of the image data between the communication apparatus and the communication partner station on the IP network based on the predetermined file transmission protocol using the obtained IP address of the communication partner station~~, and, if the determination unit determines that ~~transmission of~~ the data communication ~~data on~~ through the IP network ~~based on~~ does not use the predetermined file transmission protocol ~~cannot be performed~~, the control unit selects ~~causes~~ the facsimile communication ~~unit to start transmission of the image data using analog facsimile communication via the VoIP communication channel~~,

and wherein, if the control unit selects the IP communication unit ~~determination unit determines that reception of the communication data on the IP network based on the~~

~~predetermined file reception protocol can be performed~~, the control unit ~~starts reception of the image data between the communication apparatus and~~ causes the IP communication unit to communicate the image data to the communication partner station using ~~on the IP network based on~~ the predetermined file ~~reception~~ transmission protocol using the ~~obtained~~ IP address of the communication partner station obtained by the obtaining unit, and, if the control unit selects the facsimile communication unit ~~determination unit determines that reception of the communication data on the IP network based on the predetermined file reception protocol cannot be performed~~, the control unit causes the facsimile communication unit to ~~start reception of~~ communicate the image data to the communication partner using the ~~analog~~ facsimile protocol ~~communication~~ via the VoIP communication channel established by the VoIP connection unit using the IP address of the communication partner station obtained by the obtaining unit.

35. (currently amended): The communication apparatus according to Claim 34,

wherein the ~~IP address obtaining~~ determination unit judges whether [[a]] the data communication can be performed with the communication partner station via the VoIP communication channel, by interpreting the telephone number of the communication partner station, and

wherein, if the data communication cannot be performed with the communication partner station via the VoIP communication channel, the ~~IP address obtaining~~ control unit calls the communication partner station on the line switching network and causes the facsimile communication unit to perform analog facsimile communication.

36. (currently amended): The communication apparatus according to Claim 34,

wherein the ~~IP address obtaining~~ determination unit judges whether a communication can be performed with the communication partner station via the VoIP communication channel, by interpreting the telephone number of the communication partner station, and

wherein, if the communication can be performed with the communication partner station via the VoIP communication channel, the IP address obtaining unit tries to obtain the IP address of the communication partner station from the SIP proxy server.

37. (currently amended): A control method for a communication apparatus that includes a facsimile communication unit adapted to perform facsimile communication using a facsimile protocol ~~on a line switching network~~ and an Internet Protocol (IP) communication unit adapted to communicate image data to a communication partner station using a predetermined file transmission protocol through an IP network, ~~transmit communication data to a communication partner station discriminated by a telephone number, and receive communication data from the communication partner station,~~ the control method comprising:

a Voice over Internet Protocol (VoIP) connection step of establishing a VoIP channel using a VoIP protocol through the IP network;

an obtaining step of obtaining an IP address of [[a]] the communication partner station from a Session Initiation Protocol (SIP) proxy server, based on [[the]] a telephone number of the communication partner station;

~~an establishing step of establishing a Voice over IP (VoIP) communication channel on an IP network according to the IP address of the communication partner station~~

~~obtained by the IP address obtaining step, and transmitting an image transmission request message prior to transmission of image data; and~~

a determining step of determining~~, based on contents of an image transmission permission message received from the communication partner station in response to the image transmission request message,~~ whether ~~transmission and reception of~~ a data communication ~~data can be performed on~~ through the IP network ~~using~~ uses a predetermined file transmission protocol; and

a control step of selecting the facsimile communication unit or the IP communication unit, in accordance with a determination in the determination step,

wherein, if a determination is made in the determining step that ~~transmission of~~ the data communication ~~data on~~ through the IP network ~~based on~~ uses the predetermined file transmission protocol ~~can be performed~~, the IP communication unit is selected ~~transmission of the image data between the communication apparatus and the communication partner station on the IP network is started based on the predetermined file transmission protocol using the obtained IP address of the communication partner station~~, and, if a determination is made in the determining step that ~~transmission of~~ the data communication ~~data on~~ through the IP network ~~based on~~ does not use the predetermined file transmission protocol ~~cannot be performed~~, the facsimile communication unit is selected ~~caused to start transmission of the image data by using analog facsimile communication via the VoIP communication channel~~,

and wherein, if the IP communication unit is selected ~~a determination is made in the determining step that reception of the communication data on the IP network based on the predetermined file reception protocol can be performed, reception of the image data between the communication apparatus and~~ image data is communicated to the communication partner station

~~on the IP network is started based on~~ using the predetermined file ~~reception~~ transmission protocol by using the obtained IP address of the communication partner station, and, if the facsimile communication unit is selected ~~a determination is made in the determining step that reception of the communication data on the IP network based on the predetermined file reception protocol cannot be performed~~, the image data is communicated to the ~~facsimile~~ communication partner using the facsimile protocol using ~~unit is caused to start receiving the image data by using analog facsimile communication via~~ the VoIP communication channel established in the VoIP connection step using the IP address of the communication partner station obtained in the obtaining step.

38. (currently amended): The control method according to Claim 37,

wherein ~~it is judged~~ whether [[a]] the data communication can be performed with the communication partner station via the VoIP communication channel is determined in the determining step, by interpreting the telephone number of the communication partner station, and

wherein, if the communication cannot be performed with the communication partner station via the VoIP communication channel, the communication partner station is called on the line switching network and the facsimile communication unit is caused to perform analog facsimile communication.

39. (currently amended): The control method according to Claim 37,

wherein ~~it is judged~~ whether [[a]] the data communication can be performed with the communication partner station via the VoIP communication channel is determined in the determining step, by interpreting the telephone number of the communication partner station, and

wherein, if the communication can be performed with the communication partner station via the VoIP communication channel, ~~the communication apparatus tries~~ an attempt to obtain the IP address of the communication partner station from the SIP proxy server is attempted in the IP address obtaining step.

40. (currently amended): A computer-readable storage medium having stored therein a computer-executable program for causing a communication apparatus to implement a control method, wherein the communication apparatus includes a facsimile communication unit adapted to perform facsimile communication using a facsimile protocol ~~on a line-switching network~~ and an Internet Protocol (IP) communication unit adapted to communicate image data to a communication partner station using a predetermined file transmission protocol through an IP network, ~~transmit communication data to a communication partner station discriminated by a telephone number, and receive communication data from the communication partner station,~~ the control method comprising:

a Voice over Internet Protocol (VoIP) connection step of establishing a VoIP channel using a VoIP protocol through the IP network;

an IP address obtaining step of obtaining an IP address of the communication partner station from a Session Initiation Protocol (SIP) proxy server, based on [[the]] a telephone number of the communication partner station;

~~a control step of establishing a Voice over IP (VoIP) communication channel on an IP network according to the IP address of the communication partner station obtained by the IP address obtaining unit, and of transmitting an image transmission request message prior to transmission of image data; and~~

a determining step of determining~~, based on contents of an image transmission permission message received from the communication partner station in response to the image transmission request message,~~ whether ~~transmission and reception of~~ a data communication ~~data can be performed on~~ through the IP network ~~using~~ uses a predetermined file transmission protocol; and

a control step of selecting the facsimile communication unit or the IP communication unit, in accordance with a determination in the determination step,

wherein, if a determination is made in the determining step that ~~transmission of~~ the data communication ~~data on~~ through the IP network ~~based on~~ uses the predetermined file transmission protocol ~~can be performed~~, the IP communication unit is selected ~~control step starts transmission of the image data between the communication apparatus and the communication partner station on the IP network based on the predetermined file transmission protocol using the obtained IP address of the communication partner station~~, and, if a determination is made in the determining step that ~~transmission of~~ the data communication ~~data on~~ through the IP network ~~based on~~ does not use the predetermined file transmission protocol, ~~cannot be performed, the control step causes~~ the facsimile communication unit is selected ~~to start transmission of the image data using analog facsimile communication via the VoIP communication channel~~, and

wherein, if the IP communication unit is selected, ~~a determination is made in the determining step that reception of the communication data on the IP network based on the predetermined file reception protocol can be performed, the control step starts reception of the~~ image data is communicated to ~~between the communication apparatus and~~ the communication partner station ~~on the IP network based on~~ using the predetermined file ~~reception~~ transmission protocol by using the obtained IP address of the communication partner station, and, if the

facsimile communication unit is selected ~~a determination is made in the determining step that reception of the communication data on the IP network based on the predetermined file reception protocol cannot be performed, the control step causes the facsimile communication unit to start reception of~~ the image data is communicated to the ~~by using analog facsimile~~ communication partner using ~~via~~ the VoIP communication channel established in the VoIP connection step using the IP address of the communication partner station obtained in the obtaining step.

41. (currently amended): The computer-readable storage medium according to Claim 40,

wherein the ~~IP address obtaining~~ determining step ~~judges~~ determines whether a communication can be performed with the communication partner station via the VoIP communication channel, by interpreting the telephone number of the communication partner station, and

wherein, if the communication cannot be performed with the communication partner station via the VoIP communication channel, ~~the IP address obtaining step calls~~ the communication partner station is called on the line switching network and ~~causes~~ the facsimile communication unit is causes to perform analog facsimile communication in the control step.

42. (currently amended): The computer-readable storage medium according to Claim 40,

wherein ~~the IP address obtaining step judges~~ whether [[a]] the data communication can be performed with the communication partner station via the VoIP

communication channel is determined in the determining step, by interpreting the telephone number of the communication partner station, and

wherein, if the communication can be performed with the communication partner station via the VoIP communication channel, ~~the IP address obtaining step tries~~ an attempt to obtain the IP address of the communication partner station from the SIP proxy server is attempted in the IP address obtaining step.